

SS33. Misbranding of Planten's Capsules. U. S. * * * v. 7 Dozen 24-Capsule Cartons and 41 Dozen 12-Capsule Cartons of Planten's Capsules (Copaiba). Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12551. I. S. Nos. 17085-r, 17086-r. S. No. E-2046.)

On April 14, 1920, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 dozen 24-capsule cartons and 41 dozen 12-capsule cartons of Planten's Capsules (copaiba), remaining unsold in the original unbroken packages at San Juan, P. R., alleging that the article had been shipped on or about December 6, 1919, by G. J. Fajardo, New York, N. Y., and transported from the State of New York into the Island of Porto Rico, and charging misbranding under the Food and Drugs Act, as amended. The article was labeled in part: " * * * Gonorrhea—its Nature and Causes. The disease generally known as gonorrhea * * * stop suppuration with the proper treatment and by taking 'Planten's Capsules' * * * the proper remedies (Planten's Capsules) * * *. * * * Chronic Blennorrhagia. Chronic blennorrhagia is the natural consequence of a neglected or badly cured attack of gonorrhea * * * take the proper treatment with the use of Planten's Capsules. * * * As soon as suppuration with the symptoms mentioned is noted, commence with Planten's Capsules, preferably * * * copaiba * * *. If these directions are scrupulously followed, under favorable conditions, a cure may be assured in most cases within one or two weeks. * * * even after suppuration has ceased * * * the medicine should not be abandoned immediately, be sure of a complete cure, and even after, you should take much care of your health as an attack immediately after having cured one * * *. As a remedy it has been found most effective as a stimulant of all the mucous membranes, but particularly those related to the urinary organs, when they are not accompanied by acute inflammation. It is especially valuable in those cases that are still in their primary or incipient stages * * *. Pure Copaiba Balsam * * *. The best and most certain for the cure of chronic and acute gonorrhea, gleet, cystitis, catarrh and inflammation of the bladder, debility and all forms of urethritis * * *."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the contents of the capsules consisted of balsam of copaiba, and that the contents of the capsules contained in the 24-capsule packages averaged 10.7 minims, while the contents of those in the 12-capsule packages averaged 11.8 minims per capsule.

Misbranding was alleged in the libel for the reason that the statement "15 minims," borne on the label, was false and misleading since, in truth and in fact, each capsule contained less than that amount. Misbranding of the article was alleged for the further reason that the above-quoted statements in the booklet accompanying the article, regarding the curative and therapeutic effects thereof, were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 20, 1920, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*